

Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING AND ZONING

October 21, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of October, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:01 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

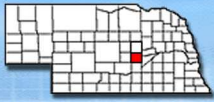
Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Ken Kozisek, Jack Reimers, and Terry Spilinek. Those absent were: Randy Kauk, Ron Kulwicki, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Lindsay Krzycki, Planning and Zoning Secretary, and members of the public including Marlene Niemoth.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Chris Kosmicki to approve the minutes of the September 16th, 2015 meeting. The motion carried on unanimous voice vote.

8:03 Administrator Klinginsmith stated that we will be updating our zoning regulations for possible adult entertainment and sign regulations within the next few months. Klinginsmith, also informed the Zoning board of the status of our new zoning regulation manuals to include the village regulations.

8:05 – Public hearing for Nathan Lutz advertising sign at a home based business. Klinginsmith read the notice of publication for public hearing. Administrator Klinginsmith stated we did try to call Nathan, and he said he would not be coming to the meeting and that he has contacted an attorney to deal with the matter. Klinginsmith informed the board, with a copy of what was received for clarification from the Nebraska State DOR prior to meeting. And read the following from their response. Jean Todd, Nebraska Department Highway Beautification Supervisor. Based on the information we have reviewed, this location (where this shed/building sets) does not qualify for a Class IID On – Premise sign under our Nebraska Administrative Code (NAC) Title 410, Chapter 3 --- Signs (aka our Rules and Regulations for Outdoor Advertising). Within the transcribed minutes of the Howard County Zoning meeting Mr. Lutz states that he does not operate PEK business from that location, and goods and services for PEK are not available at that location of the building and/or sign.

Since there is no Sign Permit required by NDOR for Class IID signs, we have never required that an application be submitted for any Class IID Sign Permit. In this instance we simply have determined that it does not qualify as a Class IID On-Premise Sign.



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This sign would require a Class III Sign Permit from NDOR. Class III signs are also known as billboards --- for off-premise commercial advertising messages. Part of the criteria for Class III signs is that the sign's location must be on land that is properly zoned commercial or industrial. Since zoning implemented by Howard County at this location is NOT commercial or industrial, our office would have to deny any application that may be submitted for a Class III Sign Permit.

Klinginsmith spoke to Frank Stepanek in middle of October, 2015, Frank stated Mr. Lutz came into his office for a permit, he told Mr. Lutz what his supervising office (Jean Todd) said, and Mr. Lutz stated he would be contacting an attorney.

Chairman Spilinek asked if there were any testimony or opposition, Marlene Niemoth expressed her concern about the sign already being up, and what would be done with the sign if denied, and was present to hear about the outcome of the hearing. Chairman Spilinek asked if there were any other testimony of any kind. Therefore public hearing was closed at 8:14 p.m. Jeff Christensen motioned to approve the conditional use permit, Jack Reimers 2nd the motion. The motion was denied on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

Discussion was held regarding Sign and Adult Entertainment Regulations, Administrator Klinginsmith will be doing research on surrounding counties to see their regulations and will be making draft regulations to be discussed in upcoming meetings.

At 8:30 p.m., a motion was made by Jeff Christensen and seconded by Terry Spilinek to adjourn. The motion carried by unanimous voice vote. The next meeting will be November 18, 2015.

Lindsay Krzycki, Secretary